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Attorneys for Defendants Wockhardt USA LLC and Wockhardt Ltd.

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

NOVARTIS PHARMACEUTICALS
CORPORATION, NOVARTIS
CORPORATION, and NOVARTIS AG,
Plaintiffs,

v.

WOCKHARDT USA LLC and
WOCKHARDT LIMITED,
Defendants.

C.A. No. 2 :12-cv-03967-SDW-MCA

Motion Day : May 21, 2013

NOVARTIS PHARMACEUTICALS
CORPORATION, NOVARTIS
CORPORATION, and NOVARTIS AG

Plaintiffs,

v.

SUN PHARMA GLOBAL FZE and SUN
PHARMACEUTICAL INDUSTRIES
LIMITED,

Defendants.

NOVARTIS PHARMACEUTICALS
CORPORATION,

Plaintiff,

v.

ACTAVIS LLC; APOTEX, INC.;
APOTEX, CORP.; GLAND PHARMA
LTD.; DR. REDDY'S LABORATORIES,
INC.; DR. REDDY'S LABORATORIES
LTD.; EMCURE PHARMACEUTICALS
USA, INC.; EMCURE
PHARMACEUTICALS, LTD; HOSPIRA,
INC.; PHARMACEUTICS
INTERNATIONAL INC.; SAGENT
PHARMACEUTICALS, INC.; ACS
DOBFAR INFO S.A.; STRIDES, INC.;
AGILA SPECIALTIES PRIVATE LTD.;
SUN PHARMA GLOBAL FZE;
CARACO PHARMACEUTICAL
LABORATORIES, LTD; SUN
PHARMACEUTICAL INDUSTRIES
LTD.; WOCKHARDT USA LLC; and
WOCKHARDT LTD.

Defendants.

C.A. No. 2:12-cv-04394-SDW-MCA

Motion Day : May 21, 2013

C.A. No. 2:13-cv-1028-SDW-MCA

Motion Day : May 21, 2013

NOVARTIS PHARMACEUTICALS
CORPORATION,

Plaintiff,

v.

ACCORD HEALTHCARE INC.;
FRESENIUS KABI USA, LLC; and
HIKMA FARMACEUTICA S.A.,

Defendants.

C.A. No. 2:13-cv-2379-SDW-MCA

Motion Day : May 21, 2013

**DECLARATION OF KAREN A. CONFOY IN SUPPORT OF DEFENDANTS
WOCKHARDT USA, LLC AND WOCKHARDT LTD.'S OPPOSITION TO
PLAINTIFFS' MOTION TO CONSOLIDATE**

I, KAREN A. CONFOY, hereby declare as follows:

1. I am counsel for Defendants Wockhardt USA LLC and Wockhardt Limited (collectively "Wockhardt") in the above-captioned civil action nos. 2:12-03967 (SDW/MCA) and 2:13-01028 (SDW/MCA). I submit this declaration in support of Wockhardt's Opposition to Plaintiffs' Motion to Consolidate.

2. I am an attorney at law admitted to practice before the United States District Court for the District of New Jersey. I am a partner at Fox Rothschild, LLP. Unless otherwise stated, the facts set forth in this declaration are true and of my own personal knowledge, and, if called upon to do so, I could and would testify competently to them.

3. Attached hereto as **Exhibit 1** is a true and correct copy of Novartis's Disclosure of Asserted Claims, in C.A. No. 2:12-cv-03967-SDW-MCA, served on October 12, 2012.

4. Attached hereto as **Exhibit 2** is a true and correct copy of emails between Thomas F. Lavery, IV, counsel of record for Sun; William O. Adams, counsel of record for Wockhardt;

and Sadaf A. Abdullah, counsel of record for Novartis, sent on April 8, 2013, agreeing to a claim construction for the final disputed claim term in the '241 patent.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: April 30, 2013

/s/ Karen A. Confoy
Karen A. Confoy
kconfoy@foxrothschild.com

Counsel for Wockhardt USA LLC and
Wockhardt Limited

EXHIBIT 1

William J. O'Shaughnessy
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Newark, NJ 07102
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woshaughnessy@mccarter.com

*Attorneys for Novartis Pharmaceuticals
Corporation, Novartis Corporation, and
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OF COUNSEL:

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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

NOVARTIS PHARMACEUTICALS
CORPORATION, NOVARTIS
CORPORATION, and NOVARTIS AG

Plaintiffs,

v.

WOCKHARDT USA LLC and
WOCKHARDT LIMITED

Defendants.

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Civil Action No. 2:12-cv-03967-SDW-MCA

**PLAINTIFFS' DISCLOSURE OF ASSERTED CLAIMS PURSUANT TO
NEW JERSEY LOCAL PATENT RULE 3.6(b)**

Pursuant to Local Patent Rule 3.6(b), Plaintiffs Novartis Pharmaceuticals Corporation, Novartis Corporation, and Novartis AG (collectively, "Plaintiffs"), provide the following Disclosure of Asserted Claims relating to United States Patent No. 7,932,241 (the "'241 patent").

This disclosure is based on the information presently available to Plaintiffs. Plaintiffs reserve the right to supplement or amend this disclosure in accordance with the Federal Rules of Civil Procedure and the Local Rules as they obtain additional information. Plaintiffs assert that, at this time, and based upon the information contained in Defendants' ANDA Nos. 203070 and 203989, Defendants have infringed, continue to infringe, and/or will infringe claims 1, 2, 3, 4, 8, 9, 11, 21, 22, 23, 24, and 25 of the '241 patent.

Plaintiffs reserve the right to revise and or supplement this disclosure as discovery progresses and Plaintiffs' investigation continues, and as more information becomes available.

Dated: October 12, 2012

/s/ Sadaf R. Abdullah
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*Attorneys for Novartis Pharmaceuticals
Corporation, Novartis Corporation, and Novartis
AG*

CERTIFICATE OF SERVICE

I hereby certify that all counsel of record are being served via electronic mail and U.S. Mail with a copy of the foregoing Plaintiffs' Disclosure of Asserted Claims Pursuant to New Jersey Local Patent Rule 3.6(b) on October 12, 2012.

/s/ Sadaf R. Abdullah
Sadaf R. Abdullah

EXHIBIT 2

From: Lavery, Thomas [mailto:TLavery@kenyon.com]
Sent: Monday, April 08, 2013 8:12 AM
To: Abdullah, Sadaf; Love, Jane; Gunther, Jr., Robert J.; WOsbaughnessy@McCarter.com; Pirozzolo, Lisa; Gu, Henry
Cc: Confoy, Karen A.; Jay.Deshmukh; 2Woa; Karen.Cassidy; Thomas.Krzeminski; Bill.Zimmerman; Sun-Zoledronic-Acid
Subject: Novartis v. Wockhardt (12-3967) - Claim Construction

Dear Counsel,

After a meet-and-confer today between Sun and Novartis on the construction of "plastic material," Sun agrees to Novartis's proposed construction of "plastic material" in U.S. Patent No. 7,932,241 as "any of various organic compounds produced by polymerization and capable of being molded, extruded, cast into shapes and films."

Based on this agreement, Sun understands that Item Nos. 5-11 of the December 21, 2012 Scheduling Order (Dkt. No. 43) are moot.

Best regards,
Tom

Thomas F. Lavery, IV
Kenyon & Kenyon LLP
One Broadway | New York, NY 10004-1007
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tlavery@kenyon.com | www.kenyon.com

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From: William.Adams [mailto:William.Adams@knobbe.com]
Sent: Friday, April 05, 2013 12:53 PM
To: Abdullah, Sadaf; Love, Jane; Gunther, Jr., Robert J.; WOsbaughnessy@McCarter.com; Pirozzolo, Lisa; Gu, Henry
Cc: Confoy, Karen A.; Jay.Deshmukh; 2Woa; Karen.Cassidy; Thomas.Krzeminski; Lavery, Thomas; Bill.Zimmerman
Subject: RE: Novartis v. Wockhardt (12-3967) - Identification Evidence in Support of Preliminary Claim Constructions

Counsel,

After a meet and confer today between Wockhardt and Novartis regarding the construction of the "plastic material" term, Wockhardt agrees to Novartis's proposed construction of "plastic material" in the '241 patent as "any of various organic compounds produced by polymerization and capable of being molded, extruded, cast into shapes and films."

Regards,
William

William Adams

Associate
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949-721-5261 Direct

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From: Abdullah, Sadaf [<mailto:Sadaf.Abdullah@wilmerhale.com>]

Sent: Monday, April 01, 2013 6:02 PM

To: William.Adams; Love, Jane; Gunther, Jr., Robert J.; WOshaughnessy@McCarter.com; Pirozzolo, Lisa; Gu, Henry

Cc: Confoy, Karen A.; Jay.Deshmukh; 2Woa; Karen.Cassidy; Thomas.Krzeminski; tlavery@kenyon.com

Subject: RE: Novartis v. Wockhardt (12-3967) - Identification Evidence in Support of Preliminary Claim Constructions

Counsel,

Attached please find Novartis's Proposed Claim Constructions and Supporting Evidence For Claim Terms of the '241 Patent. Novartis is also prepared to meet and confer with Wockhardt and exchange evidence relating to its proposed claim construction related to the '987 patent claims. If Wockhardt wishes to proceed, please propose a time for the meet and confer.

Novartis's L. Pat. R. 4.2(b) production will follow.

Regards,
Sadaf

From: William.Adams [<mailto:William.Adams@knobbe.com>]

Sent: Monday, April 01, 2013 8:59 PM

To: Abdullah, Sadaf; Love, Jane; Gunther, Jr., Robert J.; WOshaughnessy@McCarter.com; Pirozzolo, Lisa; Gu, Henry

Cc: Confoy, Karen A.; jay.deshmukh@knobbe.com; 2Woa@knobbe.com; karen.cassidy@knobbe.com; Thomas.Krzeminski@knobbe.com; tlavery@kenyon.com

Subject: Novartis v. Wockhardt (12-3967) - Identification Evidence in Support of Preliminary Claim Constructions

Counsel,

Attached please find Wockhardt's Identification of Evidence in Support of its Preliminary Proposed Claim Constructions.

Regards,
William

William Adams

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